TRANSCRIPT OF

DEPARTMENT OF HEALTH & MENTAL HYGIENE

PUBLIC HEARING

NYC DEPARTMENT OF HEALTH & MENTAL HYGIENE
Gotham Building
42-09 28th Street
Third Floor, Room 3-32
Long Island City, New York

Tuesday, October 24, 2017
10:10 a.m.

ATTENDEES:

NYC Department of Health and Mental Hygiene

CHARI ANHOUSE,
Records Access Officer and Associate
General Counsel

STEVEN SCHWARTZ,
Registrar and Assistant Commissioner,
Bureau of Vital Statistics

GRETCHEN VANWYE,
Assistant Commissioner,
Bureau of Vital Statistics

MS. ANHOUSE: Everybody, good morning. My name is --

AUDIENCE MEMBER: Louder.

AUDIENCE MEMBER: It should be red.

MS. ANHOUSE: Now you can hear me. There I am. Hi, this Public Hearing is now called to order. Today is October 24, 2017. The time is now, according to my watch, 10:12. This hearing is scheduled until noon, but we are going to run a little over because we started late.

My name, as I told you earlier, is Chari Anhouse. I'm an Associate General Counsel here at the Department of Health and Mental Hygiene. Also here today is Steven Schwartz, the New York City Registrar, and Gretchen Vanwye, who is the Assistant Commissioner for Vital Records. Svetlana Burdeynik is my assistant. She is the Assistant to the Secretary of the Board of Health. She is here as well.

We are here for a Public Hearing on

whether the Board of Health should adopt amendments to Article 207 of the New York City Health Code. A notice of intention to amend this Article was published in the City Record on September 20, 2017. A copy of the first page of the notice of intention will be provided to the reporter, who is here taking down the minutes, and we're being videotaped as well, to include in the record.

The purpose of today's hearing is to illicit comments and information to assist the Board of Health in determining whether to adopt the amendments to Article 207. Persons wishing to speak today were asked to pre-register, a few of you did. As you know, there's a sign-in sheet circulating, and there's another one outside. We will get to everyone.

When you come up to testify, please identify yourself for the record, spell your name, give your title and the name

of the organization you represent, if any. And please remember you must limit your remarks to five minutes. There are many of you here today. If you could, go shorter than five minutes. Five minutes is a very, very long time to actually speak. It's amazing.

I will give you a two-minute warning. I'm going to hold up my fingers, like this (indicating), which means victory, peace, and two. So that will give you a warning if you're getting there. I will also give you a one-minute warning.

So we are going to get under way, if there are no questions at this point about the process.

(No response.)

MS. ANHOUSE: Okay. Great.

The first person who has signed up to testify is Joshua Taylor. Is Joshua Taylor here?

MR. TAYLOR: Yes.

MS. ANHOUSE: Come on up, sit in the

seat right there and give your name. I think the court reporter probably knows how to spell it.

MR. TAYLOR: It's Joshua Taylor, J-O-S-H-U-A, T-A-Y-L-O-R. I am the President of the New York Genealogical and Biographical Society. I also have a typed copy of my remarks, if that would be helpful.

Members of the Commission, thank you for allowing public comments on this very important issue. I'm Joshua Taylor, and I represent the New York Genealogical and Biographical Society.

We are the oldest and largest genealogical organization in the State of New York. We strive to discover, share, and preserve the stories of all New York families. We represent thousands of members and constituents across the United States and serve millions of individuals who have a connection to New York City in their ancestral past.

We applaud the Commission's desire to hear from genealogical organizations and those who would be impacted by the proposed access limitations to New York City's birth and death records.

Simply stated, genealogical research and discovering family history requires access to public records. Birth and death records are core materials used by genealogists for research. They are often the only records that provide precise information relating to parentage, places and dates of birth and death, causes of death, and information that is critical to establishing evidence to advance our research. In essence, these records are crucial links for our work.

Proposed limitations would greatly impede open access to these public materials for millions of individuals who are seeking their connection to New York City. We believe the proposed regulations are not in line with current

practices.

The 2011 revision of the model vital records act, on which proposed restrictions appear to be based, has not yet found any mainstream support. To date, only one state, Oklahoma, put the restrictions in place, and multiple states have, in fact, allowed greater levels of access to vital records.

The Commonwealth of Virginia opens death records after just 25 years. In Pennsylvania, they open records after 50 years, and Michigan offers free digitized death records through the state archives through 1952.

The U.S. Department of Health and Human Services released final regulations on protective health information and privacy in September of 2013. These processes permit the release of information about a deceased individual after 50 years.

We also believe that the leaders of NAPHSIS are considering revising the

proposed periods for the Model State Vital Statistics Act and encourage members of this Commission to open a formal dialogue with NAPHSIS in the course of making the decision.

Further, we do not believe that birth and death records for genealogical research is a cause of identity theft. We, as genealogists, share the same fears of identity theft and privacy concerns. We have been victims of major data breaches at Yahoo, at Target, at Home Depot, at Anthem, and most recently, Equifax.

In recent years, the media has reported the theft of millions of identities, which made access to verified information, particularly in the course of deaths, even more vital. Proper implementation of public death records actually prevents identity theft.

There is no evidence that the states who adopted more moderate open records

policies, that I referenced earlier, have experienced higher levels of identity theft. Instead, theft centers on commercial companies such as Equifax, not from genealogists.

The record restrictions, further, would directly impede those seeking to trace immigrants from New York City during the 20th and 21st century. They are members of New York City's diverse community, the Puerto Rican, the Vietnamese, the Chinese, Korean, and other backgrounds. Without these essential resources, they will be unable to trace and document their families.

In addition, those who celebrate and recognize their ancestors through lineage organizations, including the Dutch period, the American Revolution, and other entities, would be unable to gather these materials to complete their applications. These barriers to understanding and preserving New York City's past across our diverse and long

history would be devastating.

We've organized our members to request that the Commission allow an alternative to provide access to those materials necessary for research. Access to birth records after 105 years or with proof of death, only a small percentage of the population is actually expected to live beyond this period. Access to death records after 50 years and access to a death index after 25 years. We will accept much shorter embargo periods as well.

To identify theft, we also propose the Commission consider providing early access to death records to known members of the genealogical community, perhaps even those who are identified as affiliated with a New York-based organization. These materials could even include access to New York City death records after 25 years or access to informational certificates.

These informational certificates, a

non-certified copy of information from the record, would be help for research without being able to substantiate someone's identity.

The use of these records go beyond genealogical research. Information relating to causes of death and patterns of genetic diseases is absolutely critical to understanding one's family health history. There are numerous cases, which I'm sure you'll hear today, that are used to understand a family's extended health history for the treatment and prevention of genealogical diseases.

Finally, and most importantly, we believe that the limitations in the transfer of records to the municipal archives threatens the preservation of the records themselves.

As an organization, we exist to discover, share, and preserve the stories of New York's families. Without open access to public records and the

proper conservation and preservation of these materials, the potential to lose these documents remains high.

We strongly encourage the Department of Health to work in close conjunction with the New York City Municipal Archives to ensure the safe and timely transfers of New York City's birth and death records. Thank you for the opportunity to provide comment on this matter.

MS. ANHOUSE: Mr. Taylor, do you have a copy of your testimony?

MR. TAYLOR: Yes.

MS. ANHOUSE: If you could give it to us up here and a copy to the court reporter, if you have more than one.

MR. TAYLOR: (Handing.)

MS. ANHOUSE: Thank you.

MR. TAYLOR: (Handing.)

MS. VANWYE: Thank you.

MS. ANHOUSE: One is fine.

MR. TAYLOR: Genealogists like copies.

MS. ANHOUSE: Next up is Terry Koch-Bostic.

MS. KOCH-BOSTIC: Koch.

MS. ANHOUSE: Koch. I'm sorry.

MS. KOCH-BOSTIC: Thank you for the opportunity to speak to the council today. I'm Terry Koch-Bostic. That's K-O-C-H, hyphen, B, as in boy, -O-S-T-I-C from Mineola, New York.

I am the Chapter Representative and head of the New York Metro Chapter of the Association of Professional Genealogists, also known as the APG. This chapter covers all of New York City, New York State, Connecticut and New Jersey. We have over 300 members in this chapter alone.

I am also the Vice President of the National Genealogical Society. It's the largest national organization of individual members of genealogists and family historians. I'm also a member of the New York Genealogical and Biographical Society's Advisory

Committee, of which you just heard from our president.

The first point I'd like to make is that a lot of your argument is based on statistical data that you gathered in your Basis and Purpose and Privacy Concerns. Under that section, your statistical argument is not clear, and it's actually not supported by the data.

You have interchanged New Yorkers and New York City residents, and they are extremely different populations and are measured in different ways by the American Community Survey, which is the yearly statistical review of data in between the ten-year census periods.

You state "New Yorkers are living longer than ever before. The 2010 Census shows that almost half a million New Yorkers are over the age of 75." That would indicate "New Yorkers" is state data. Why do you show a chart with the number of people over 75, which is about 462,000, when this is totally

irrelevant to the discussion of limiting birth records to a proposed 100 years, as we're proposing, and 125 years, as you are proposing?

Again, and I quote, your document states, "Since 2010, the American Community Survey estimates that the total number of New York City residents, age 75 and over, has increased to more than 492,000, with more than 1.25 million over the age of 65." Again, this is irrelevant to the argument about what age records should be opened and accessible.

Again, these are unfounded conclusions. Data from health departments across the U.S. describe higher rates of disease, diabetes, heart problems, cancer, obesity, and this does not support greater numbers of people living longer. The reverse may actually be true.

Other data offered in your Privacy Concerns states, "In 2005, 585 New

Yorkers died between the ages of 100 and 114. In 2014, that number rose --" and so on, to 2015; 901. You cannot extrapolate that number out of data that was taken for the State of New York.

New York City is measured by the American Community Survey on a yearly basis. Populations 65,000 and larger are measured yearly. Populations under 20,000 are only measured every five years. You cannot combine that data and extrapolate that this number is the same for the whole State of New York and New York City.

In addition to that, you really don't offer precise data of exactly how many people actually live over a hundred years. In that body of number -- First of all, it's probably statewide. Secondarily, there may be one person who made it to 114 over a period of five years, as opposed to thinking that we have this growing population moving towards 114 years.

So where is the proof of this danger? It's not in the statistical numbers that you've provided, and, as Josh said, there's a number of other issues here now, in which more and more states are allowing broader access, even for adoptions and divorces.

Later you will see a chart by Alec Ferretti where he shows you the amount of identity theft by states that are more generous in their access and those that are less generous.

Medical history, this I can speak to directly. This is promoted by our Surgeon General and the New York City Department of Health, that we are supposed to know about our family medical history.

My younger sister was diagnosed in 1992 with breast cancer. This came as a surprise to our family. She was only 36 years old. My father had remembered that when he was ten, his own mother was diagnosed, also at the age of 36. She

had radical mastectomy surgery at Bellevue Hospital, which was probably the premiere hospital in the United States at that point, and radiation in 1929.

She did live, but it also destroyed the ability for her to ever use her right arm again --

MS. ANHOUSE: I'm sorry, Ms. Bostic. I was listening to you, and I didn't give you a warning. I'll give a you few more seconds.

AUDIENCE MEMBER: We can't hear you.

AUDIENCE MEMBER: Could you use the microphone?

MS. ANHOUSE: I'm sorry, Ms. Bostic. I wasn't looking at my timer. You have 30 more seconds.

MS. KOCH-BOSTIC: That was not five minutes --

MS. ANHOUSE: That was five minutes, ma'am. That was five minutes, ma'am.

MS. KOCH-BOSTIC: Okay. The bottom line is that there have been three

generations of women in my family that gave been diagnosed with breast or ovarian cancer in their late 30s. Every one of them has died within one to one and a half years.

The only reason I am here today is because I have done the family health history, and I took the most stringent measures to live when I was diagnosed.

MS. ANHOUSE: Ma'am, your time is up.

MS. KOCH-BOSTIC: Thank you.

MS. ANHOUSE: Thank you. I am sorry for not giving you a warning.

Next on the pre-registered list is Avrum Geller. Is Avrum Geller here?

MR. GELLER: Yes, I am.

MS. KOCH-BOSTIC: Here you go (handing).

MS. ANHOUSE: Let the record reflect that Ms. Koch-Bostic just handed over a copy of her testimony, as did Joshua Taylor earlier.

Mr. Geller, I promise I will be

better with the stopwatch.

MR. GELLER: Hi, my name is Avrum Geller, A-V, as in Victor, -R-U-M; G-E-L-L-E-R. I am the son of Marvin William Geller and Miriam Naomi Ellis. I was born on December 30, 1943, in Newark, New Jersey.

It's evident that better means of securing identity, than genealogical information, should be in general use for the protection of individuals and the protection of society. These have included physical recognition tests, such as fingerprints and footprints, photographs, and signatures.

Now science has added more sophisticated and reliable techniques, including improved electronic fingerprint recognition, iris scans, facial recognition, and DNA analysis, among others. In addition, the uses of closely-guarded passwords provide some measure of protection.

On the other hand,

widely-disseminated information, such as genealogical and biographical information and Social Security numbers, provide insecure means of securing identity, and the widespread use of such information, therefore, in itself, creates a security risk for everyone. Identity theft is a national problem that is largely the result of reliance on these insecure tests for identity.

Historically, genealogical information on birth, marriage, and death has been a matter of public record. Births were announced, marriage bans were posted, and deaths were published as official policy. These practices continue in a majority of geographic jurisdictions, not only as public policy, but also informally in birth, marriage, and death announcements in published media and now social media.

In seeking to restrict and suppress accurate information on births and deaths, New York City is an outlier. In

the New York City government structure, the Bureau of Vital Statistics is a semi-autonomous unit within the Department of Health and Mental Hygiene.

The primary mission of the Department of Health is to promote public health. Suppressing cause of death information prevents individuals and their extended families from knowledge of health risks that emerge in studies of extended families conducted by genealogists.

I have personally alerted client families to health risks, such as colon and breast cancers, that have emerged from the cause of death data collected in the course of genealogical work and, thus, have saved lives.

The problem of familial health risk is greatest in endogamous populations, such as the Ashkenazi Jewish family histories in which I primarily work. Family members are helpful in obtaining information; however, I also encounter

unmarried persons, sometimes an only child, who have died without issue. Here, New York City creates a barrier to providing information, perhaps critical, to family health.

Similarly, restrictive New York State Law on adoptions prevents adopted individuals from understanding their own health histories. But that's a problem that needs to be addressed separately, not here.

Suppression of death certificates make it difficult to determine place of burial, important to some religious and ethnic groups who practice honoring family members with cemetery visits and prayer.

The practice of restricting access to birth and death records works against the welfare of individuals, families, and the public at large. Use of vital records for identity purposes is an unstable foundation. The public is best served by making public records

completely open to the public. Thank you.

MS. ANHOUSE: Thank you, Mr. Geller. Next up is Brooke Schrier -- I hope I'm saying the name correctly. You will correct me. -- Ganz.

MS. GANZ: Brooke Schrier Ganz, B-R-O-O-K-E, S-C-H-R-I-E-R, G-A-N-Z. President and founder of Reclaim the Records.

Good morning. Reclaim the Records is a 501(c)3 non-profit activist group of genealogists, historians, researchers, and journalists advocating for open public access to our vital records held by government agencies and libraries.

We are the largest archival records activist group in America, measured by both membership and impact. We have approximately 4,800 subscribers to our newsletter, and of them, about 820 people signed up within 50 miles of Manhattan, based on their GOIP. That's

about a fifth of our membership.

In the past three years, Reclaim the Records has successfully sued two different New York City agencies under the New York State Freedom of Information Law, or FOIL. We filed against DORIS, Department of Records and Information Services, in 2015. We filed against the New York City Clerk's office in 2016.

We won settlements both times. We won attorneys' fees our second time. We won millions of records and made them available to the public.

In the past six months, Reclaim the Records has expanded beyond the City and successfully used FOIL to fight the New York State Department of Health for 17 months to win the first ever public copy of the entire New York State Death Index from 1880 to 1956.

We've recently used New Jersey's open record law, OPRA, to fight the New Jersey Department of Health to win and

publish, for the first time ever, the entire New Jersey marriage index. Those millions of records are online for free now too.

And now we are here talking to you, the New York City Department of Health. I'm here this morning to talk about why we in the genealogist community and the open records community don't like you and don't trust you.

I am here this morning because when researchers and genealogists come to our organization through e-mail and social media, they tell us that you are the worst department in the country to deal with. The most difficult. The most obstinate.

You are known as the worst in the entire country, and the fact that you are now trying to restrict records access even more is a bad joke. We don't trust your motivations in putting forward these proposed rule changes, because we have witnessed and documented

your behavior over many years where you've greatly restricted records and access in ways that are jaw dropping or, frankly, illegal.

We don't believe when you say these rules are being changed to protect the public. We think you're changing them to protect yourselves. For example, up until a few months ago, the New York Public Library had lovely books of birth indexes and death indexes, in book format and microfilm, on the library shelves for decades. Then, in a horrendous rape of the New York State Freedom of Information Law, your office apparently decided these public records shouldn't be public anymore and in the middle of the night, your organization came and took the books off the shelves.

Well, we at Reclaim the Records were appalled when we heard that. So we talked to the Committee on Open Government in Albany, and they were appalled too. In fact, they used the

phrase, "throw the book at them," and we intend to.

I guarantee you that our organization will be making a third lawsuit to get those records back within the next year, because there is no way, in this government climate, that we can let government organizations come in and take public records -- "retroactively classify" as the phrase goes -- and take them from the public.

At our two conferences with them, they believe that this would absolutely be a breach of the Freedom of Information Law, and this is not the first time we've had issues with the government, mainly your department, taking these records.

In fact, one of the primary reasons we transitioned to a 501(c)3 non-profit organization status this past year was to raise the six-figure war chest to take you on in court. That is how deeply we feel about this, and how much

you have wronged people by taking records.

But you guys didn't limit yourselves to just interfering with New York's Freedom of Information Law, no. We are currently suing Missouri; we have a case pending. And when we won their records in discovery, guess whose e-mails we found in their records? That's right. Both of you who are sitting here today.

We found your e-mails talking to the Missouri Registrar about how to limit Missouri's records. We have copies of your e-mails, copies of your phone conversations, and we've posted them on our Twitter feeds.

Missouri's bad behavior in this case won them a 2017 Annual Foilies Award from the EFF, ranking them alongside such open records luminaries as Trump and Sheriff Clarke. A few months later the Investigative Reporters and Editors Group, IRE, also awarded this case as one of the five finalists for their

Golden Padlock Award for the worst use of open records by a government agency.

Then we have e-mails that, in the course of our Sunshine Lawsuit, Reclaim the Records won copies of, and we found in these the Registrar of Vital Statistics, Steven Schwartz, Assistant Commissioner, Gretchen Vanwye, saying "That's good news," when they heard that these records were going to be withheld from the Missouri public. This Missouri case is still pending. We've helpfully posted these to our Twitter accounts, but there's more.

Unfortunately, we're almost out of time. But I will be yielding the rest of my statements to other members of Reclaim the Records to explain why we want these records back, and why we have another set of suggestions for you that we feel much are much more reasonable. Thank you.

AUDIENCE MEMBER: I haven't seen you since the genealogy conference. This is

my check (handing), --

MS. ANHOUSE: Sir.

AUDIENCE MEMBER: -- and I hope others will support her. This is a tragedy.

MS. ANHOUSE: Sir, sir. If people are going to speak out of turn -- you know, I want everybody to get their time. We're going by the sheet.

AUDIENCE MEMBER: I'm sorry. The sign-up sheet did not get all the way around.

AUDIENCE MEMBER: It's been going around.

MS. ANHOUSE: It was going around. If it's not around -- Svetlana, are you here? I don't know where my assistant is. Hold on. Raise your hand if you want to speak and you haven't signed up.

AUDIENCE MEMBER: I don't think it was clear whether this was an attendance sheet or a speaker list.

MS. ANHOUSE: For the record and one more time: If you want to speak, you

have to sign the sheet. We will go in order. If you're not signed up to speak and you speak out of turn, we might have to ask you to leave. We want everybody to be able to speak on the record. Thank you.

The next person who I have on the list up here is Georgia Tann.

MS. TANN: Hi, I'm Beulah George Tann, B-E-U-L-A-H, G-E-O-R-G-E, T-A-N-N, and people call me Georgia.

After hearing from Brooke, I'm sure you're happy to hear from me. I have discussed this access to birth records issue very thoroughly with Governor Lehman. He purchased -- I mean, I placed with him three children who were removed from their families in Tennessee, and Governor Lehman was very clear about this. He thought that nobody needed to know where they came from and that birth records should be destroyed.

So the books that you took out of

the New York Public Library, you shouldn't put them back. You should just burn them. Nobody needs any access to any of their genealogy. No one needs to know where they came from, and you don't need to be accountable to the public.

Just like I wasn't when the federal government started to investigate my child-placing home in the 1950s. The Attorney Generals in New York and California both vowed to investigate my child-trafficking regimes, and neither one ever took any action.

It seems to me that the powers that be are in support of your policy of just sweeping everything under the rug. I don't know who you're trying to protect exactly, but hiding all of these records is really good for baby traffickers and I hope that you keep it up.

I hope that you ban all access to all birth records and you burn all those goddamn books that were in the New York

Public Library. I thank you very much and I will concede the rest of my time to Brooke and Reclaim the Records if they have more to add.

MS. ANHOUSE: It doesn't work that way. Ms. Ganz already had her time. We are going to the next person on the sheet. It's C. -- I believe it's Swepp, S-W-E-P-P. C. Swepp.

MS. TANN: That was me. I was just afraid you wouldn't call me as Mrs. Tann.

MS. ANHOUSE: Okay. The next person on the list is J. Auslander.

MR. AUSLANDER: Hi, I missed the last public hearing when you restricted access to death records to only the deceased. As many of you will know, that public hearing was not really made public, and, despite your best efforts, I'm glad that word about this meeting got out. The memo, as we all know, is not written to inform the reader, but to protect the writer, and something is

wrong here.

There are 57 Departments of Health in the United States, one for each state, territory, Washington D.C., and because it was probably the first, New York City. Each of them have different rules of access, sort of like the gun laws of the United States. There's holes here, and then there's closures there.

I have to ask, based on my observation in 25 years as an amateur and professional genealogist, is the New York City Department of Health clinically paranoid?

You say that you are concerned about identity theft, yet by not releasing even the index to birth and death records, we cannot verify, like with the Social Security Death Index, if someone is using the identity of a dead person. We can't verify information. If you're dead, you are public domain.

Mayor Guiliani proved that when the

kid's juvie record was out to the press before the kid hit the ground. Hiding things does not help anyone. I do Holocaust research. I have had clients who had to go to the courts to prove someone was legally dead because we could not get a 1991 death certificate.

A death certificate is the only proof of death under the law. Everything else is hearsay. But we need that to find out the anecdotal information, if nothing else, where that person was buried.

It just strikes me as absurd that you are closing the barn doors with the leaks of public information. I understand there was a case a couple of years ago where one of your employees was selling blank birth certificate forms. Then, to take this out on a legitimate community.

We used to be able, as genealogists, as professionals, to get a pass to research birth and death indexes that

were beyond the purview of the New York Public Library. Why we had to do this is absurd. I mean, again, to verify facts, we can get a marriage record after 50 years. But in New York, we can't look at divorce for a hundred years. Why is that? My guess is something analogous to this: That some politician had an ugly divorce and wanted to keep that secret. Who are we really protecting here?

MS. ANHOUSE: (Indicating.)

MR. AUSLANDER: Thank you, two minutes.

I don't understand this. It's -- I mean, a lot of the work in Holocaust restitution, overcoming the legacy of the pre-marriage equality era where people could not will their estates to their long-term partners down the line, is what we do.

It's really an obstruction of justice to prevent us from settling estates, because I can't prove that -- I

can't order my own uncle's death certificate from 1960, because I'm not a close enough relative, my great-grandfather from 1956.

My uncle's children that he never had or the wife that he never married could order these documents, but I cannot and this is absolutely absurd. Who are you really protecting? Not the public, yourselves. And if you open this up, who would really suffer? The benefits, think of the all the money you could make off the sale of those documents. If nothing else, the indexes should be available to the public. Thank you.

MS. ANHOUSE: Thank you, Mr. Auslander. The next person on my list is Alexander Calzareth, am I saying that correctly?

MR. AUSLANDER: Auslander is spelled A-U-S-L-A-N-D-E-R. Jordan, J-O-R-D-A-N.

MS. ANHOUSE: I'm going to ask people not to speak to the court

reporter, I mean the stenographer. She just needs to make sure she gets everything.

MR. AUSLANDER: I was just giving her the spelling of my name, which I neglected to do at the beginning of my statement.

MS. ANHOUSE: Okay. Mr. --

MR. CALZARETH: My name is Alexander Calzareth, C-A-L-Z-A-R-E-T-H. I am a strong supporter of Reclaim the Records and their work, so I'm going to be continuing reading their statement in support.

Your department's proposed rule changes of 75 years and 125 years are taken directly from a suggested template known as the Model Vital Statistics Act and Regulations, specifically the version that was drafted in 2011.

You mention that clearly in your proposal, as if it were the most logical and most normal thing to conform New York City's outdated policies to this

fancy new Act, but what you neglected to mention in your proposal is that this Act's implementation was placed on hold by the Department of Health and Human Services in April of 2012. The federal government didn't want to implement it. You also failed to mention that this Act is not in place almost anywhere else in the United States, thankfully.

We say "thankfully," because this Model Act was drafted in 2011 with absolutely no input solicited or received by the researching community, genealogist community or public records experts. There's a highly restrictive framework that would cut public access to vital records across the country, built in secret by a committee. That's why it hasn't been gaining traction with the states.

But guess whose name shows up as one of the only members of that small working group who drafted this flawed and restrictive act? Yup, it's Steven

Schwartz, again, the New York City Registrar, and joining him in that working group is the only person in the whole country who was meant to be representing the concerns of the law within that working group, Refreido Lopez (phonetic), the formal General Counsel for who else, the New York City Department of Health.

Taken all together, your department shows a clear pattern of behavior that has a direct opposition to our right to transparency and the public's right to know about our government. So we are very skeptical about your department's state and motivations for this proposed rule change which would only further deny public records access.

So instead of these unnecessary, overboard rule changes, Reclaim the Records has put together a super proposal for the Board with rules that we think would be far more appropriate. These rules balance the public's right

to know with protections against actual identity theft. They are informational only records.

New York City should follow the lead of other vital records jurisdictions, such as California, create one of those informational-only, non-certified copies of vital record. These informational records would display all of the same data as original records in a photocopy image, but would have the addition of large red text printed right on the page stating they are for information purposes only, not to be used as proof of identity. They would also lack the printed or raised seal of the City.

If this department is really as concerned with identity theft as you publicly claim to be, then you should have no problem following the lead of other states in making available these sorts of non-certified documents. It would allow researchers immediate access to the crucial information we seek

without having any risk that the information contained in them could be used as false documentation.

No waiting periods, New York City should make these non-certified informational-only copies of birth certificates and death certificates available to be public without any waiting period. None. Zero. This is what's done in California, Massachusetts and several other states, in some cases dating back to the time when the states were still colonies without any proof in ill effect.

This bickering over the propriety of 50 years versus 75 years is ridiculous, because both time frames are completely non-existent in numerous other states. From North Carolina to Iowa to Minnesota, all states with no waiting period, not even for birth certificates, because these states offer non-certified informational-only copies.

Our right to access public records,

our records, our families' records, is not up for negotiation by government agencies seeking to shirk their duties to civic transparency and accountability. We are not going to sit here with you and horse trade our rights.

Open up the index data; New York City should immediately release the City's basic birth index and death index to the public as open data in actual database format, such as SQL or CSV, with updates on an annual basis. The majority of other vital record jurisdictions of the U.S. publish this information every year without any fuss whatsoever, and yet New York City seems determined to hide it.

These indices are not actual certificates of any kind. They are merely the findings, basically just a big spreadsheet with basic information, such as surname, given name, sex, date of birth or death, or other locality of

birth or death, and the certificate number.

The New York Genealogical and Biographical Society has recommended their petition to the department that you should also add a new column of information, burial locations, to this index, and we agree with them that this would be very helpful information.

Furthermore, New York City agencies are already required to release their internal data sets to the public under Local Law 11 of 2012, also known as the Open Data Law. New York City Council voted on and passed this legislation on February 29, 2012, and it was signed into law on March 7, 2012. A formal request was made to this department through the City's official SAPRATA open data portal on May 1, 2013 --

MS. ANHOUSE: Mr. Calzareth, your time is up.

MR. CALZARETH: Thank you.

MS. ANHOUSE: Thank you. Okay. I

cannot really read this. I think it's Phyllis Sternemann; is that correct?

MS. STERNEMANN: Yes.

MS. ANHOUSE: Thank you. Come on up and give your name for the record.

MS. STERNEMANN: Good morning. My name is Phyllis Sternemann, S-T-E-R-N-E-M-A-N-N. I'm from Manhasset, New York. I have no prepared statement today. I am here only to represent myself as a genealogist in training, and I am here to say that I support the statements made by the New York Genealogical and Biographical Society through Mr. Joshua Taylor. I am in support of his discussion as previously presented. Thank you very much.

MS. ANHOUSE: Thank you, Ms. Sternemann.

I'm going to back and forth between the lists, because there was one outside. So we are going to go back and forth between the lists.

So Art Blazer, who just came up, can come now to testify.

MR. BLAZER: Thank you. It's Art Blazer, A-R-T, B-L-A-Z-E-R. I'm here as an individual to speak against your proposal. I have been the victim of credit card fraud or identity theft three times. So I understand exactly where you're coming from. However, your proposal would not in any way, shape or form do anything to prevent that.

The first time I was a victim, it was before there were computers, even in my office and no computers at home. The problem, really, we have today is internet access not information. Because if someone goes to the archives, they're going to be able to find the records that they should be able to find because they're probably there for legitimate purposes.

The criminal is not going to take the time to go down to the City Archives to get a copy of your 75-year-old birth

records or 50-year-old death records and use that for identity fraud. Yes, it could happen. For the most part, you're going to hack Equifax or some other organization where they'd get a lot of information very quickly and use it that way.

Also, I think you miss the necessity of genealogy for wills and probates. I had a case of a family member who passed away, and the lawyer in the case had to research the genealogy to find all of the relatives. Had they not had access to my records, they would've spent many, many hours and days and weeks trying to find this information. But because I had done the genealogy, I turned this over to the attorney and saved them a huge amount of time and saved the estate a great deal of money.

I think there is a compromise here which you can reach, and that is: If it isn't broken, don't fix it. I think the answer is to turn over the records to

the archives, but put it on a computer that's not accessible to the internet. This way, a legitimate researcher can go to the archives and find the information that they need, and the criminal, who just wants the easy way out to find -- he doesn't care whose identity he steals, he just wants to steal somebody's identity. Therefore, if he can't get it easily, he's not going to take the trouble to go find it.

I think open records in the archives is the right answer, and perhaps you shirking internet access is a better compromise. Thank you.

MS. ANHOUSE: Thank you, Mr. Blazer. Going back to the other list, Alex -- Alec. Sorry -- Ferretti.

MR. FERRETTI: Good morning, my name is Alec Ferretti. That's A-L-E-C, F-E-R-R-E-T-T-I. I'm from Bellmore, New York.

I recently applied for dual Italian citizenship. Descendants of Italian

immigrants can be legally recognized as a citizen if they fit certain criteria. I have to provide the birth, marriage, and death certificates of five generations of my ancestors, many of whom within New York City.

Under current law, I am not legally entitled to my grandfather John's birth certificate. He was born 89 years ago and has been deceased for 20. If my dad hadn't been able to sign the form for me, I would've had to go to court. I can prove my relationship to him. We even have the same last name. Yet this didn't matter.

To get a simple birth certificate, I would've had to hire an attorney and go before a judge. It would've been so cost-prohibitive that I could not even become an Italian citizen. This lets me work and live anywhere in the European Union that I ever choose.

Finally, my dad was able to notarize a letter and the Department of Health

provided a certified copy of John's birth certificate. The sensitive information it contained was already public via other sources, it turned out. I looked at it, and all that was on it was his date of birth, which is published by Social Security. His census information would have information about his parents' names.

All that was on the certificate was information that would be of genealogical value that would be of no relevance to anyone trying to steal somebody's identity, things like how many children they had in the household or what cemetery they're buried in. A hacker cannot use that; however, a genealogist can. Now, this may be undeniably true for people that were born a long time ago, but it's true for those who are still living.

A federal law passed in the 1990s made every single American's voter registration a public record. The New

York State Board of Elections has a website where you fill out a form and they will send you a DVD containing a 14-gigabyte text file containing the registration information of every single voter in the state. That is their date of birth, address, full name, party registration, and voting history. I can look that up for pretty much every single person in this room.

Okay. Moving on. The identity theft issue itself. I decided to take every single state in the country, I looked at every single vital records law. I compared the 50 states plus D.C., the embargo for birth certificates and death certificates, and cross-referenced that with identity theft rates published by the FTC, on this handy, dandy little graph.

Now, if stricter states had lower levels of identity theft, you could argue that this is worthwhile. If that were the case, the liberal states over

here (indicating), with no embargo period, would have very high rates. Whereas, the strict states like New York, Kansas, Mississippi, --

MS. ANHOUSE: Hold on one second, Mr. Ferretti. I just want the record to reflect that Mr. Ferretti is holding up a chart that we are going to mark Exhibit 1 into the record. And if you could leave that chart with us when you leave, that would be great. Thank you.

MR. FERRETTI: I actually have a smaller copy, if that would be easier.

MS. ANHOUSE: A smaller copy would be better.

MR. FERRETTI: I have ten. Okay. So if it were to be, with these stricter states having less identity theft, they would have a lower slope right here, and the line would look like this (indicating).

As it turns out, the line is flat. That means that, overall, more lax states have the exact same amount of

identity theft as stricter states. In fact, the slope of the line is slightly positive, which means states like New York, have a little bit more identity theft. And even that is basically insignificant, and the slope of this line is very clearly zero to anybody who has taken a math class.

The fear of identity theft is clearly a mere assumption, and we all know what Felix Unger said about those who assume. Thank you.

MS. ANHOUSE: Thank you, Mr. Ferretti. Can you hand the stenographer a copy of that chart? And if you have one for us, that would be great too.

MR. FERRETTI: Yes, (handing). I would like to clarify that this is a reference to the years for people who can prove a relationship to get an informational copy, which is all that we need.

MS. ANHOUSE: Okay. I'm going to

the other sheet now. Charles Weinstein. Good morning, Mr. Weinstein.

MR. WEINSTEIN: Good morning and thank you for the opportunity to speak. It's Charles Weinstein, W-E-I-N-S-T-E-I-N.

One of the many hats that I wear is as a writer of insurance curriculum. I work for a number of organizations that provide continuing education for insurance agents and brokers that are licensed, and the curriculum that I write is approved through the Department of Financial Services. One of the recent curriculum I have just completed writing is on the subject of identity theft.

As you may know, identity theft is in an insurable event. You can buy insurance to protect yourself from identity theft through your homeowners insurance through your commercial insurance brokers. As a result of that, the insurance industry has compiled a

great deal of information on the subject of identity theft. It's obviously a major concern of the organizations.

The Center for Identity Management and Information Protection at Utica College is the primary source for some of the data that I'm going to share with you. But I also want to explain that the Federal Trade Commission, which monitors all reported cases of identity theft in the United States, has very similar statistics.

The number one cause of identity theft in the United States over the past ten years, and it's been very consistent, is something that is personal to every person in this room: the theft of a purse, a pocketbook or a wallet. In your wallet, you will have all of the information I need to steal your identity.

In most cases, you will have a driver's license, which will show me your name and address, date of birth,

and where you live, of course. And most people still carry around a Social Security Card, which of course, provides a Social Security number. Armed with that information, I can steal your identity. Approximately 80 percent of the identity theft cases reported in the United States over the last ten years has been as a result of that type of identity theft.

The larger cases, the cases, for example, the data breaches with various organizations, such as Anthem, Equifax and others, will take years to develop. The information, though, is already available on the dark web for those who know how to access it, and those who are willing to pay a very small price to obtain hundreds of thousands of records of individuals whose identities are ripe for theft, including much more helpful information as credit scores and information along those lines, health information that would allow for people

to really go to town on individuals and pick and choose which records they want to use.

The top ten causes of identity theft are all delineated. Identity theft from the use of birth and death records, not only doesn't make the top ten, in the United States over the last 20 years, it's averaged less -- well, it's averaged in the middle, single digits nationwide per year. So it's a minor cause of identity theft.

MS. ANHOUSE: (Indicating.)

MR. WEINSTEIN: Thank you.

It is a minor cause of identity theft, but what you are proposing, effectively, is to go after a group of mosquitoes with a cannon. This is not a big cause of identity theft. It is certainly something that will impact a great number of people at a great deal of cost and does not provide the Health Department or The City of New York or the consumers of New York any great

protections that they don't already have.

If I want your identity, it is very easy for me to steal it. I don't have to go down to DORIS and dig through the archives to try and find it. Thank you very much for your time.

MS. ANHOUSE: Thank you, Mr. Weinstein. Next up is Mary O'Shea. Is Mary O'Shea here?

MS. O'SHEA: Yes.

MS. ANHOUSE: Okay.

MS. O'SHEA: That's Mary O'Shea, O, apostrophe, capital S-H --

MS. ANHOUSE: Is the red light on?

MS. O'SHEA: (Complying.)

MS. ANHOUSE: There we go.

MS. O'SHEA: Okay. It's Mary O'Shea, O, apostrophe, capital S, -H-E-A. I am not a professional genealogist. I am a family genealogist, I have been developing family trees for my extended family. And the records that you want to prohibit access to

would greatly impact my research.

My daughter-in-law is a descendant of a Mayflower immigrant. I recently started to document her family tree back, which came from, it ended up, from Massachusetts down to Brooklyn, and I have to provide The Mayflower Society with birth, death, and marriage records for her family, which she does not have. I would not be able to get any of those records with these new regulations you are considering.

Also, my father was a New York City foundling in 1918. So when you think about 100 years, next year would be 100 years since his birth, not that I can find any records on him because he was an abandoned baby, but if he was not, I would be looking for records of his family beyond 100 years.

I'm in my 70s. How many generations of people are you denying access to? My daughter is interested in genealogy, hopefully she will continue what I've

been doing. But by extending these records out, you're really cutting the line on the family trees.

I follow a lot of websites, Facebook pages. I am very appreciative of Reclaim the Records, of the New York Genealogical Society, Bergen County Genealogical Society, with the information and help they give amateurs like me. But you should not at all deny access to the records that you hold, because it's not right.

That, in conjunction with the antiquated adoption laws in New York City, New York State, it's terrible. It's a legacy from Governor Lehman years ago, and it doesn't help anybody. All it does is deny people access to their biological families.

I would love to be able to find my father's biological family, and many people are in the same situation. Adoptees are not second-class citizens. They are citizens like everyone else,

and they are entitled to be able to connect with family. And records are a very important part of that. Thank you.

MS. ANHOUSE: Thank you, Ms. O'Shea. Robert Friedman.

MR. FRIEDMAN: Hello, my name is Robert J. Friedman, F-R-I-E-D-M-A-N.

To the Commissioner and Board of Health, I would like to register my opposition to the proposed changes to Article 207 that are the subject of this hearing.

I received a Master's Degree in Environmental Health Science from Hunter College more than 30 years ago. My public health career began at the Essex County, New Jersey, Department of Community Health Services, continued for more than a decade at the New York State Department of Labor, Division of Safety and Health, and culminated at the New York City Department of Health and Mental Hygiene, Lead Poisoning Prevention Program.

During my training as an Environmental and Occupational Health Specialist, I've learned to appreciate the many scientific and medical applications for vital statistics. I also became aware of the necessary restrictions placed upon such data to protect the confidentiality of the individuals whose records became the basis for such studies.

Concurrently with my work in public health, more than 20 years ago I began conducting genealogical research on my own time. Ultimately, I left government service, obtained a masters in library and information science, became director of The Ackman & Ziff Family Genealogy Institute at the Center for Jewish History in Manhattan.

In 2010, I founded Steps to the Past Genealogical Research Services, and began work for private clients. I am a member of The New York Genealogical and Biographical Society, The Jewish

Genealogical Society, and Association of Professional Genealogists. If you read the APG Code of Ethics and Professional Practices, you will find that the highest standards of the genealogical community also recognize the need to uphold confidentiality and privacy rights.

Because of my many years of experience dealing academically and professionally with such issues, I am particularly interested in the proposed changes to the New York City Health Code regarding birth and death records. I read the online statement of Basis and Purpose and found several sections troubling.

First, the paragraph on fraudulent and inappropriate use of birth and death certificates and information does not cite any statistics on the incidents of fraudulent activities involving New York City birth and death records. The cited risks are potential and, therefore,

entirely speculative. The potential vulnerability of the Health Department's own computer systems for hacking is a much greater risk than the misuse of vital records.

Second, the statistics cited under Amendment and Correction of Birth and Death Records/Issuance of New Birth Certificates are not put in context. For example, from 2012 to 2016, the department processed about one-thousand birth changes for individuals born in 1940 and earlier. That is out of how many pre-1940 birth records? What is the annual rate? Is it ten percent? One tenth of one percent?

The same questions arise regarding the Late Registrations and Death Record Corrections. The department's numbers on deaths of New Yorkers over the age of 100: 585, 806, 901 deaths, are of out of how many total? What proportion of the total records created each year do they represent?

According to the next paragraph, amending a birth certificate after it's been released into the public domain undermines the department's ability to fully substitute the amended certificate for the original. Over time, multiple versions of the same birth records could even be circulating in the public domain, diminishing the reliability of these records and creating confusion around authenticity. Where is the evidence that this has ever been a real problem, rather than an imagined one? Especially in jurisdictions that have open records laws.

Other commenters explained in detail the value of open records to genealogists and the harm that it's done when restrictions are adopted. I will not repeat these arguments here. Further, I endorse all the proposals put forward by Reclaim the Records.

In summary, I urge you not to adopt the proposed code amendment. The need

for the change has not been demonstrated and imposing new restrictions on access to public records would cause far more harm than good.

MS. ANHOUSE: Thank you, Mr. Friedman.

I'm just going to ask all of you, I know that you care deeply, everybody. If you could just hold your applause and your comments.

It's important for the stenographer to get all the words properly, and if you're making other noise, then it's hard for her. So I'm just going to ask for you to let her do her job, really, so it's all transcribed. Thank you.

The next person is Stanton Biddle.

MR. BIDDLE: Good morning. My name is Stanton F. Biddle, S-T-A-N-T-O-N, middle initial F, as in Frank. Biddle is B-I-D-D-L-E. I am a member of the New York G and B Society, but I'm here as the Vice President of the Jean Sampson Scott Greater New York Chapter

of the African-American Historical and Genealogical Society.

We discussed the proposal in our chapter meeting October 14th, and we drafted a statement and submitted a letter signed by all who were in attendance. I sent the letter last week, so you should have the copy in your records. I have another copy here. I would like to read that letter.

We, as members of the Jean Sampson Scott Greater New York Chapter of the Afro-American Historical and Genealogical Society, AAHGS-New York, strongly object to the proposed rules regarding access to public birth and death records of New York City.

Our national organization was founded in 1977, with a commitment to the preservation of the history, genealogy, and culture of the African-ancestored populations of local, national, and international communities. Our local chapter was established in

1989 with a specific focus on the African-ancestored populations of the New York City metropolitan area.

Africans and descendants of Africans have been an integral part of the City's life and culture from its earliest settlement by the Dutch and continues to be enriched by new arrivals from throughout the African diaspora each year. It is our mission to discover, share, and preserve the stories of these New Yorkers -- stories of these New York families, whether recent immigrants or residents of many generations.

Timely access to the original materials affected by this proposal is critical and essential for our work. The proposed restrictions would create an excessive interference for each of us and our fellow members seeking to trace our families within New York City's vital records.

We ask that the Commission consider guidelines suggested by the New York G

and B Society. Specifically, access to birth records after 75 years, access to death records after 50 years, and access to an index to death records after 25 years with all the provisions that they requested.

Beyond genealogical research, many of our peers and colleagues require access to these records when tracing medical histories within our families. Specifically, those related to genetically-inherited diseases. Timely access to these records is essential for those seeking to understand and treat medical conditions.

Therefore, we ask that you consider creating an informational copy of birth and death records, which could not prove identity for financial and other transactions, but would instead provide information necessary for researchers.

We thank you for your attention to this important matter. This letter is signed by, as I said, all of the members

in attendance of that meeting. Thank you.

MS. ANHOUSE: Thank you, Mr. Biddle. If you want to give a copy of that letter to the stenographer, that would be great.

MR. BIDDLE: We sent the letter and a petition.

MS. ANHOUSE: Okay. However, we'll have it here, but she's an independent --

MR. BIDDLE: All right (handing).

MS. ANHOUSE: The next person is Carole -- no, wait. Wrong list. Susan R. Miller.

MS. MILLER: Good morning. Susan R. Miller, M-I-L-L-E-R.

Since my friend Terry was cut off with her time, I'm going to read off a little bit more of Terry's remarks first.

With access limited to 125 years, she's referring to births there, I believe, many of us would not live long

enough to work on our family history. The New York Archdiocese Catholic records will be available in 2018. The New York Archdiocese will allow access to baptismal records up until about the 1917 time period.

Partnering with Find My Past to digitize 150 plus years of records, the Brooklyn Diocese will also allow scanning and broader access to baptismal and marriage certificates. And the GGG, that's the German Genealogy Group, based on Long Island, is taking the lead on scanning and digitizing the records, the society who created the indexes that are currently at the New York City Municipal Archives. Those were the additional remarks by Terry, and -- one moment, please.

Regarding my remarks, there was already a comment letter from the New York G and B, so I'm speaking as an individual now, not as a staff member. I am a staff member of the New York G

and B. I am a resident of Nassau County, but have a father, grandparents, who were all born in New York City, lived in New York City, died in New York City.

The issues created by the proposed Amendment Provisions to Article 207 of the New York City Health Code would negatively impact my ability to conduct family research for myself and for friends. I do not take clients. I am not a professional genealogist in that respect.

In addition, it would negatively impact and compound the attitude that many people see from the New York City Health Department as being a very difficult department to work with. I would strongly encourage shorter time frames for the release of records from the New York City Department of Health to the archives.

I believe death records should be open after ten years. The deceased

person does not have privacy rights. The informant, on the record, if they are still living at the same address, which is one of, I believe, the confidential public information pieces that you're concerned with, would usually be recognizable if they lived in the same place for ten years through many other records. A couple of people have already mentioned some of those records. They could include tax records, public telephone directories, voter records, social media, and all.

The other point I would like to make is: If there's a thought of closing death records due to the cause of death, I think the Department of Mental Health and Hygiene is perpetuating the acceptability of stigma regarding cause of death. Please, I ask you, do not contribute to encouraging any stigma like that. A long time ago, there was a stigma attached to cancer. More recently, AIDS and other

sexually-transmitted diseases, potentially mental health issues. Whatever the next stigmatized cause of death might be, please don't help people to think these are bad causes of death and keep records closed because of that.

So, again, I would ask you to provide more open access for genealogists and other family historians. I think indexes should be open in one year, understanding that a yearly transfer would not undo administration, but it shouldn't be continually open. It would have to be, you know, a group at a time at the end of a year. So those are my comments, and I'll e-mail that later to the Commission. I don't have a printout.

MS. ANHOUSE: I believe the stenographer will be able to get all of it. We are here because we want to have a record of what you're saying. So, thank you.

MS. MILLER: Yes.

MS. ANHOUSE: Next up is Carole Kramer. Is Carole Kramer here?

MS. KRAMER: My name is Carole A. Kramer; C-A-R-O-L-E, the letter A, K-R-A-M-E-R. I did not prepare anything. I have a letter, which I will give the stenographer, but I'm not going to read from that. I'm just going to talk from my heart.

I assume that the people sitting in front of me on this panel are not genealogists. If you were, we would all be here preaching to the choir. But I assume you are not genealogists, so I'm going to go back to real basics.

When a genealogist does research -- and I am a family genealogist, not a professional genealogist. When we do research, we obviously can find information from many sources, but it is important to us to find primary sources. We need to be able to document and certify that the information we have found is accurate.

I can find a birth record from a census, but that is secondary information. It is hearsay information, because it depends on the person who is taking that information on the census, and very often it is not accurate. We need access to the primary sources, to the birth records, to the death records.

By making this inaccessible to us, you are making our job extremely difficult, and family genealogy can be exceptionally important, not only for the medical records to determine if I am an inheriter of a potential disease, but as someone else stated, that a relative died and it was because of their records that they were able to prevent probate because they could prove the lineage. I had that same situation in my family, where if it were not for my records, that will would still be in probate, because many of the relatives were almost impossible to trace.

I beseech you, do not make it harder

for us. If you make this access easier, you are benefitting many, many thousands of people for a myriad of reasons. That's all.

MS. ANHOUSE: Thank you, Ms. Kramer. Next on the list -- I'm going back and forth between the two lists, everyone. So there's no preference, and I don't want anyone to be confused, so it's as fair as I can make it. Cathy Horn is next.

MS. HORN: Hello, my name is Cathy Horn; C-A-T-H-Y, H-O-R-N. I am a genealogist purely for my own self-interest, but I am in support of the New York Genealogical and Biographical Society's proposal. I'm also in support of Reclaim the Records.

I read through your proposal as to why you want to extend the time frame before you release the records. However, I find, in looking through it, that it is very suspect. An example, on page six, here you mentioned that

previously these documents, the vital records, have been made public and released to DORIS at inconsistent intervals. That's correct. Right now, looking at your own policies, you are not in compliance with your own policies.

If the records or death records were released after 50 years, there are already 68 years which you're behind in adhering to your own policy. Likewise, with birth records, they should've been made available after 75 years, and yet it says here that the most recent records that you're holding and have not been released are 1910. That means 170 years.

You are not complying with your own policy, yet now you want to extend the years. Why would we assume that you would then comply with that policy, when you haven't in the past? You should at least clean up your own offices first before you want to do any changes --

make any other changes.

We rely on these records as genealogists. You may not consider us to be much of anything, but we are one of the top two biggest groups in the country. At least, a hobby group, but certainly millions and millions of people, and it is increasing. We ask that you follow the New York G and B's guidelines, what they suggest, and not extend the time frame before you release the records.

And as to identity theft, I have in my purse two cards, which would be very easy for identity theft. One is my Medicare Card; it has my Social Security number on it. And then, of course, my New York State ID. It has, not only my name and address, but it also my birth date. The easiest way to get any information is to go out and ask for it.

Equifax has come up recently in the news. And that is a source of identity theft. It is certainly not with the

vital records that we, as genealogists, go and look for and search through DORIS. And I think it's time to look at the world as it is today and realize that identity theft is not getting my birth certificate, it's going out and hacking somebody's computer system. So please, reconsider this.

MS. ANHOUSE: Next on the list is Roger Joslyn. Am I saying that properly, Roger Joslyn?

MR. JOSLYN: Good morning. Roger Joslyn. R-O-G-E-R; J-O-S, as in Sam, -L-Y-N. Thank you for the opportunity to address you this morning. I trust that my comments and those of others here, through their submissions, will reach the other members of your group that were responsible for studying and putting together the proposal so that they will know also what comments have been made here.

I had a long introduction to introduce myself and my background. I'm

pretty well-known in the international genealogical community, having been a full-time professional genealogist approaching 40 years. I think I've been very active in that time, in the professional and scholarly parts of the field. I think what's more important is to say that I'm not a stranger to a hearing such as this.

Beginning in the late 1970s, the issues of preservation of access of vital records and other sources used in family history and in other genealogically-related areas, such as estate settlements, title to real property matters, dual citizenship, and other lineage-based situations, all of which require, among other documentation, certified copies of birth, marriage, and death certificates.

My direct experience began in Boston when there were hearings held with regard to preservation and access with the Commonwealth's copies of birth,

marriage, and death records, in setting up not only the archiving of the older records, but also defining the access and preservation of those records that would be kept by the Commonwealth's Department of Health.

Beginning in the 1980s, I was actively involved with the first national committee that was concerned with the preservation and access of all sorts of records throughout the U.S., including vital records. Most recently, the successor to that committee, known for some years as the Records Preservation and Access Committee, or RPAC.

I served as a representative for the American Society of Genealogists, and RPAC has been very instrumental in not only monitoring access and preservation of important records throughout the entire country and keeping the public informed, but has also helped numerous times in educating and helping those

responsible for the task of preservation, access, and in developing policies.

A few years ago, I served with other genealogists, attorneys, and others in meeting with staff of the New York Department of Health and Mental Hygiene, chaired by former Health Commissioner Beth Beecher (phonetic). The New York Department of Health and Mental Hygiene is holding this public hearing today for comment on proposed health code amendments that would set up a schedule for archiving the New York Municipal Archive's birth and death certificates concurrently under the department's care.

This is the one item on which you are asking for comment. To my knowledge, no plan has been in place or, back when there seems to have been one, followed for over 30 years when birth and death records, with some minor exceptions, were last transferred to the

archives.

So my first major comment is: "Yes," to a transfer plan, but "no," to the proposed specifics for such a plan, which are not acceptable on many levels for many reasons, of which I don't have time to address here. What I propose, though, first and foremost, is this plan is conceived without input from those who have an interest and need for access to those records.

My strongest suggestion, therefore, is to put aside your proposal and set up a committee, a small one, to work in the department first and develop a plan that truly meets the needs of the public and also works to address the concerns with regard to birth and death certificates, including fraudulent use and privacy.

I would say that in doing so, you need to study the successful work, collaborative, cooperative work that has been done in Maine, Connecticut, and Oklahoma, and in the Commonwealths of

Pennsylvania and Virginia. We should all look to the solutions made in drafting a good plan for New York City.

Many have already addressed many of the other points I'd like to make. But I would like to end by saying that the bottom line is few other states in developing cooperative efforts for a workable plan in access and preservation is the bottom line. In this way, everyone wins, and while the door may need to be closed in some instances, it is not to be locked with the idea that protection is offered to a few at the loss to the majority. Thank you for your time and consideration.

MS. ANHOUSE: Thank you. Mr. Joslyn, if you would like to leave the letter that you didn't get to read --

MR. JOSLYN: It's all scribbled. I'd be glad to submit something at a later time.

MS. ANHOUSE: The closing for

comments today is --

MR. JOSLYN: 5:00 p.m.

MS. ANHOUSE: -- 5:00, today. If you didn't have a chance to read your whole thing and want to send us a written thing, it's due by 5:00 today.

AUDIENCE MEMBER: What's the e-mail address?

MS. ANHOUSE: It's in the notice; you do it online. The next person on both lists is Leslie Corn.

MS. CORN: Good morning. My name is Leslie Corn, L-E-S-L-I-E, C-O-R-N. I am a forensic-certified genealogist and a fellow of the New York Genealogical and Biographical Society. Thank you for the opportunity to voice my opinion today.

I fully support your concern about protection of personal identity of the living. But I strongly disagree with your proposed extreme limitation on public access to birth and death records and your reasoning for that limitation. Your proposed amendment is based on

arguments of potential identity theft and violation of privacy through record access. Yet open record access, past and present, has not proved this out.

Take the policies of Florida's Department of Health, for instance, a state that offers unlimited access to birth and death records. Has their open record access led to violation of personal identity and they're just going to let those records out anyway? Certainly not.

Closer to home, the New York State Department of Health restricts access to birth records for 75 years and death records to 50 years, far less of a waiting period than your restriction of 125 years for births and 75 years for deaths in your proposed amendment of Provisions of Article 207 of the New York City Health Code.

As additional proof of the error of an assumption of rampant identity theft based on record access, other countries

with open access to birth and death records, such as England and Ireland, have not reported a rise in identity theft because someone anywhere in the world can order unlimited records of the living and the dead.

My associate in Germany, professional genealogist, Uwe Porten, writes, "In Germany, you have access to all civil vital records, regardless of date, if the person in question is your ancestor: parents, grandparents, great-grandparents." Mr. Porten goes on, "I have no information about identity theft, never heard about it over here, and I do not think that there is any in connection with vital records."

Access to vital records is essential to my work in assisting attorneys, executors, and distributees in testate and intestate matters that typically trace three to four generations of a decedent's paternal and maternal lines.

New York State Surrogate's Courts require extreme proof of kinship to settle the estates. Much of this proof is found in vital records.

New York City Department of Health's proposed restriction on access will severely hamstring rightful distribution of estates and negatively impact resolution of other legal matters, such as entitlement to real property and dual citizenship. Time and time again, your department has denied rightful access to vital records by entitled parties in cases I've worked on, entitled parties as defined on your website, such as executors to estates.

How can revealing a woman's maiden name on her or her child's birth or death certificate -- an argument that you make in support of restrictive access -- be a violation of privacy when that same information is readily available in naturalization records, marriage records, marriage notices,

death notices, obituaries, Social Security applications, estate files, deeds, directories, and various other public sources?

When Jane Smith and John Doe announce their engagement in their local paper, does Jane Smith redact her maiden name for fear of identity theft? The magnificent genealogical horse is already out of the barn and running faster every day, thanks to the work of an ever-growing collection of individuals, genealogical societies, libraries, archives, and corporate and governmental agencies.

I recommend that the New York City Department of Health reconsider the retrogressive proposition and adopt the following in transferring records to the Department of Records and Information Services: One, transfer birth records on January 31st of the year following a hundred years after date of birth. Two, transfer death records on January 31st

of the year following 50 years or less after the date of death. Thank you.

MS. ANHOUSE: Thank you, Ms. Corn. The next person up is Robert Avner. I have Robert Avner and Regina Avner.

MR. AVNER: Yes.

MS. ANHOUSE: Are you both --

MR. AVNER: Yes. Two different people.

MS. ANHOUSE: Okay. So you are both on the list.

MR. AVNER: Yes.

MS. ANHOUSE: Okay.

MR. AVNER: Okay. My name is Robert Avner; A-V, like in Victor, -N-E-R. Could I get your names? I can't quite see from here. Because you just kind of sit there with poker faces, and I can't quite make out what reactions you have, or if you have any reaction. A little disconcerting, I'm sure, to me and to the rest of the audience here.

Can I get an idea of what your background is in records, records

information? I know this is a hearing, but I'm just curious what your background is. Who are you?

MS. ANHOUSE: Mr. Avner, this is a time for you to make your opinions known.

MR. AVNER: I understand that. I understand that.

MS. ANHOUSE: It's not a time to post questions. If you would like to make comments about the proposal, you're welcome to. Otherwise, I would ask that you cede your time to someone else.

MR. AVNER: No, I'm not ceding my time. I'm not ceding my time. But I think it would be nice for us to all know who you are. Who are you? I know you work for the Department of Health. But what is your position in records? What knowledge do you have?

MS. ANHOUSE: Mr. Avner, this is all stated at the beginning of the hearing.

MR. AVNER: I was not here until a quarter after ten, because this is a

hard, difficult building to find.

In any case, I'm sure I'm repeating some of the things people have said already, but this is the second assault in two years that you've done on public records. The first you didn't even advertise, you kept it so close to the vest that nobody even knew about it. So you're a bunch of sneaks.

MS. ANHOUSE: Again, I'm going to ask you not applaud. It eats into his time, and makes it impossible for the stenographer to hear.

MR. AVNER: Okay. Well, now you're taking up my time.

The ability to obtain these records have allowed me, and I'm sure many other people, to reconnect with family. My family was partially decimated in the Holocaust, so it's allowed me to reconnect with some of them that have survived. Without access to these records, I wouldn't be able to.

The time period should be reduced.

We should be sitting here talking about the time period being reduced, not this ridiculous amount of years you're going to add on. The time period should be much less.

I have a copy, and I'll make it public; this is a person's death certificate from California, Santa Cruz (indicating). This person died in the last -- I don't know -- 25, 30 years. They print on this informational copy. It's not a record you can use in getting any kind of further documents. Why doesn't New York City introduce this? I mean, aren't we able to do the same things Santa Cruz can do? I mean, are they so much better than we are?

Okay. This is San Francisco (indicating). This is the application for San Francisco. I'm sure people in the genealogical community have seen this. I know you've never seen this or even cared to have looked for it, but this allows you to send for an

informational copy.

MS. ANHOUSE: (Indicating.)

MR. AVNER: I know, two minutes. I didn't think you were giving me the victory sign, although I think I deserve it.

This allows us to get an informational copy of a document that cannot be used for any kind of legitimate purpose of getting a further document or identification. You have them from other cities in California. You have them from the State of California.

Pennsylvania recently, on Ancestry, put down all the death records. They actually digitized all of their death records until 1965 and have them for free, if you are a subscriber to Ancestry.com.

Also, Florida, you can get a death record on somebody who died last week. Last week, not 75 years. It's absurd. Transfer your records to DORIS that you

have and are holding on to. Transfer all those records.

Okay. You can sit there with poker faces; I don't care. No reaction, all right. You give the worst example of government workers. I've worked for the City of New York for 25 years, but looking at you folks, it's embarrassing. Embarrassing.

MS. ANHOUSE: Thank you, Mr. Avner. I'm going to ask you to please stop. If you continue this, I'm going to ask the health police to escort people out who are interrupting, because I want to get through this. We have the room for a limited period of time and everybody wants to speak. Randi Koenig, am I saying that properly?

MS. KOENIG: It's Koenig.

MS. ANHOUSE: Koenig, I'm sorry.

MS. KOENIG: Good morning. I'm Randi Koenig; R-A-N-D-I, K-O-E-N-I-G. Thank you for the opportunity to speak today. I didn't initially plan on

speaking today, so I'm going to keep my comments brief and very succinct.

I am a professional genealogist with over 15 years experience as a professional genealogist, and I deliver kinship proceeding testimony on a regular basis. And as you may know, as a professional genealogist, one of the things that New York State requires for a kinship proceeding is that people must provide their true lineage and actual certificates.

And, on a regular basis, I spend a lot of time at the Department of Health trying to obtain records for these families. I actually have death certificate requests that should be public record, where people have signed off and requested them, and it's the real family and the correct lineage, and they are not able to get them even to help settle an estate.

The recommendations that you're making and the changes to the statutes,

my concern is the knock-on effect that that's going to cause to the courts, both the probate courts, as well as the other courts, where people are going to have to get court orders in order to get those death records for a cousin or an aunt or uncle, where those are required by the courts, and I cannot get those without subpoenas.

Just so that you understand that there's more than just genealogy as fun. This is my profession, and I'm here to represent the hundreds of thousands of people that are my clients. Thank you.

MS. ANHOUSE: Thank you, Ms. Koenig. The next person on the list is Regina Avner.

MS. AVNER: Good morning. It's Regina, R-E-G-I-N-A, A-V, as in Victor, -N-E-R. It is the same last name. Okay. I'll be very brief. I'll give you all a break. I'm a licensed clinical social worker. I've worked at a City hospital, I've recently retired.

I worked at a City hospital in in-patient medical surgical units, dialysis. I've worked with AIDS patients for the past 35 years. At the beginning of the AIDS crisis, I began.

It is appalling what you propose to do because it is in the complete opposite direction that genetic research is going. I don't understand why you're doing this. You are denying patients that really -- people that have serious, serious life-threatening illnesses -- the ability of the researchers to really go back and do their due diligence, and they have done marvelous work. I've seen such tremendous almost miracles happen in the past 35 years.

So as you're basically setting the clock back years, back to the years before we had any kind of the present technology that we have, it makes no sense what you're doing, and I don't know why you're doing this.

But anyway, I will be brief. I will

give you all a break, because I think my husband basically said it all.

MS. ANHOUSE: Thank you, Ms. Avner. Next on the list is Lauren Orensteen -- Orenstein. I'm sorry.

MS. ORENSTEIN: Hello, my name is Lauren Orenstein, L-A-U-R-E-N. Last name, O-R-E-N-S-T-E-I-N. I appreciate the opportunity to speak today.

I have been working as a professional genealogist for the last seven years. There have been countless times that the inability to get birth and death records has impeded my ability to assist my clients. Further restricting access to these records will only create a greater impediment for probate cases in surrogate's court.

In addition, this will prevent sellers of real estate to obtain clear title. This is not about me as a professional or hobbyist. This is about the thousands of clients who legitimately need this information to

move on with their lives. Thanks very much.

MS. ANHOUSE: Thank you. Next on the list is Andrew Sverdlove, I believe. I hope I'm not mispronouncing it. Sorry.

MR. SVERDLOVE: You're not mispronouncing it. My name is Andrew Sverdlove, S-V-E-R-D-L-O-V-E. I've been a resident of this state my whole life. I've done genealogy for 60 years.

The proposed change is irresponsible, obstructionist, and leads many of us, many of us, to be highly suspect of what is going on behind the closed doors. I only heard about this meeting last night. That is extraordinary.

You talked about accessing in your pamphlet or something that you handed out, I never saw it. I worked for many years volunteering time with the Italian Genealogical Society, taking records that your department was supposed to

transfer decades ago. We made up lists.

Open records, open society has been a hallmark of our country. There were two speakers, Mr. Blazer and Mr. Weinstein, on identity theft absolutely verifying the little bit that I know. The two people I know that had identity theft, one was taken by stealing their mail. The other one was done by a bank clerk. No one is going to be using these records.

I think there may be something of interest, perhaps. If you do not know, what is the history in this country of the origin of banks asking, "What is your mother's maiden name?" That was started in the 1930s, and it was a way of filtering out the Jewish people who had very Eastern European names. Then it became just a way of life. For other people, the identity was done visually. They saw you weren't the right color.

This is bringing us back, backwards. These records should, like many other

states, Florida, for example, be opened immediately. You never, as has already been pointed out, even follow your own rules and regulations.

Genealogy is one of the fastest growing hobbies, as others have said. We are a country of immigrants and their descendants, and using these various resources that you have, I have been able to reunite families. I have been able to locate people after 50 years who wanted to find their birth mother, their mother wanted to find them. It would be a catastrophic tragedy to put these records into hiding.

Truly, this would put us back. My dog, I have a better genealogy on. The Angus steak that I ate came from a cow, whose genealogy I can get. I don't want us to be a secret society. I want us to be an open society, and I think those that are here will always question governments that hide information to protect us. Yes, I understand. This is

why we have fire, police, public health.

Governments should be supporting an open society, "open" meaning accessibility. It's our way of knowing that you are accountable to us. We, in some way, are paying for your salary. I was a New York City resident for nine years in one stretch, three in another. Where is my money going?

I remember the difficulty I've had, and I've heard others say here, with the Department of Health records and removing records from the public library. Absolutely shocking. And e-mails we never knew about and transcripts of conversations to Missouri, which I only learned an hour ago.

The interesting thing is that genealogy is for -- even those of us who may or may not be religious -- a part of our Western heritage, background. It is very much in the Bible, who you were and generations, ten generations from Adam

to Noah, another ten generations. We have become a society in which these are important things. We want to know our roots.

Henry Louis Gates, Jr., the host of Finding Your Roots, going on its fifth year now, is one of the most popular shows. Where would it be if your kind of proposal were in effect anyplace else?

I hope that you not only reverse this proposal, but that someone has the chutzpah, the guts, to propose opening the records in the ways of other states, particularly Florida comes to mind, and California. Thank you very much for your time.

MS. ANHOUSE: Thank you, Mr. Sverdlove. Next up is Dennis Duffy.

MR. DUFFY: Yes, that's correct. My name is Dennis Duffy. That's D-E-N-N-I-S. Duffy, D-U-F-F-Y. Thank you for the opportunity to speak.

Earlier, I believe it was

Mr. Weinstein who mentioned that he had statistics that showed the incidents of identity theft, which is, I think, really the critical issue here. Ninety percent or more was due to having your wallet or your purse stolen or your mail or something like that. And very little was leftover that might possibly be due to access to vital records.

I believe he argued that we shouldn't close the door on everybody to protect a few. Now, that's a judgement call. If I was one of the few, I might want the door closed. But I think the problem here is that there are multiple doors, and if you close the door, there are others.

Two things I'd like to mention -- one has actually been fixed, but who knows what will happen next. A few years ago, the Commonwealth of Puerto Rico was required to invalidate every birth certificate it had ever issued. Think about that for a second.

Everybody's birth certificate, whether you were 80 years old or six days old, they invalidated them all. Of course, not too many people know this, so if somebody were to present you with a Puerto Rican birth certificate with a stamp on it, you would probably accept it. But they passed a law to make them all invalid. Why?

Puerto Rico had a practice of issuing multiple copies of birth certificates to parents, because it was custom in Puerto Rico to give copies to the godparents, to the grandparents. The law required you to give an original birth certificate to the school that your child was going to attend. You didn't have to just prove residence, like we have to do here on the mainland. You had to give them an original birth certificate.

Now, when the identity thieves found out that they could break into schools and go into the basement and find the

records of the kids who enrolled 20 years ago or 30 years ago, they helped themselves. So unfortunately, Puerto Ricans have a much higher incidence of identity theft today than the other areas in the United States.

But here's another current problem: For 20 years, I worked for the Town of Hempstead in a federally-funded program to help people find jobs. And of course, we couldn't help illegals find jobs. That would be crazy, the federal government helping illegals find jobs.

So we had to verify that people had the right to work in the United States by being a citizen or having a green card or some other authorization. And, of course, because we got audited by the federal auditors, we had to make copies of all these documents so that when they audited us, they could see that we were doing our job correctly.

So we accumulated tens of thousands of birth certificates, green cards, all

sorts of stuff, Social Security numbers, and at 5:00 we shut the door and went home. And guess who came in at night, every night? The cleaning crew. And they had access to all of these records, and we don't even know if the people on the cleaning crew -- because it was a subcontractor, it wasn't town employees -- we don't even know if they were legal. So there are a lot of other ways that identity theft happens.

Another thing that is going to happen as a result of the Equifax data breach -- this is so colossal that the rules of the way that industry operates are going to change. People are -- there's going to be laws, I'm sure, at the federal level that no mortgage, no credit, can be taken out in your name without verifying with you. As opposed to this system, where they just kind of do it unless you object. When we think about it today, the whole industry is upside down.

Can I submit a letter written by my son?

MS. ANHOUSE: Yes. Give it to us.

MR. DUFFY: Okay. Thank you very much.

MS. ANHOUSE: Actually, no. Give it to the stenographer. We'll get it from her. Thank you, Mr. Duffy.

MR. DUFFY: You're welcome (handing.)

MS. ANHOUSE: Next on the list is, I think it is Bab, or Bob, Lenseth.

MR. LENSETH: Bob.

MS. ANHOUSE: Okay. Sorry.

MR. LENSETH: Morning. I'm Bob Lenseth, L-E-N-S-E-T-H. I'm just an individual here who, several years ago after retiring, decided to look into my family history.

My grandfather and grandmother on my paternal side immigrated in the 1800s to New York City, and my grandmother on my maternal side immigrated in the early 1900s and met her husband here. So I

needed to find out something. I have one older brother who is cognoscente of things, and nobody knows about my aunts and uncles, very little was known about them.

So I came to the New York City Health Department to find out information. The people down on Worth Street were great to work with, but then I started to find some of the records weren't available and I was told to go over to -- I'm sorry. Reverse that. Chambers Street did the archives and then I was told some of the records that I was looking for were available only on Worth Street.

So I started going in there, and I would pick and choose who to find and eventually found that it was easier if I went up to the 42nd Street Library, went through the indexes of birth and death and got certificate numbers. Then, when I got down to your computer, which is really not a computer, it looked like an

Atari down on Worth Street, I would plug in the information and I would get the records after paying my fee and working with your people down there. And I stood in many a line for three or four hours to do this on several occasions.

Then all of a sudden, I had a lapse over the holidays, and I came back about two months later to go to the next battery, turned in an application for an aunt and I was told, "You can no longer have that." I said, "Wait a minute." They said, "We changed the rules." I said, "When was that posted? When --" "Oh, it was all over the paper." I haven't found that.

What I did then say is, "Could I speak to a supervisor?" So I went in and a supervisor did meet with me and she said, "Well, New York City can make any rule we want, whenever we want, and there's nobody who's going to tell us, in the State or anywhere else. We are independent when it comes to these

records."

Okay. I need you to look at that. Yes, we can make the rules here in New York City and it's a great community. But we need to look at what is available to our community, the people who are trying to find information on their families. I did receive a certificate, because it was a grandfather, and I got that certificate. It had to be mailed to me, because they couldn't find it that day in the department on Worth Street.

It came in and it was a certificate of an Asian-American in Queens, not my grandfather. So, I brought it back and we were able to swap the right one, but things do happen by mistake.

And in addition, right after the one change, I sent an online e-mail that is in the government Health Department form to the commissioner and with information that says "This is answered." I've never received an answer from that, and

I was objecting to the problems of receiving the change.

So please correct things, get things down to where people like myself and others can get access to our family members, because we are the ones that are starting to find out and want to find out about it. So, thank you.

MS. ANHOUSE: Thank you very much. We have the room until 12:30. I think we're going to get through the whole list.

AUDIENCE MEMBER: Is there a way to add my name to the list at this point?

MS. ANHOUSE: No. At this point it's noon and we have to leave. The next name I have is Leonard Katz, Leonard N. Katz.

MR. KATZ: My name is Leonard N. Katz: Kilo, Alpha, Tango, Zulu. A couple of quick points. Think of a society where no one gets shot for standing up to governments and regulations, and I think that the whole

purpose of our being here to is to validate that point.

Your Commission that you've appointed, essentially you work for us and you really are us at some levels. Families, I think we can't lose sight of those facts. We live in a free society. We're looking for transparency. We are looking to protect people in certain ways. But it's been pointed out by many, many people here this morning that there are so many ways information that you're looking to protect, shall we say, is available in other areas anyway.

So the kind of rule you're looking to make is not going to help in any way. They're going to hurt. There's only a hundred and some odd people here, but they represent thousands and thousands of people through organizations, through their clients, and you have to realize that the things that are proposed here don't seem to have a real positive effect.

My father always had an expression, he said, "There's a million reasons out there. When you want to do something, you pick and choose the ones you want." And that's what I see happening here. You have a letter you sent out, you listed certain points, they were refuted.

There's many suggestions, positive suggestions, that have been offered today. I hope you take cognoscente of those things and possibly bring together some people that are involved in genealogy and work with them, because a lot of suggestions regarding openness, transparentness, and things that are being done in Florida and various other states, they're working. And there's no reason why they shouldn't work here in New York.

I don't believe there's any real reason to follow through with the proposals that were made, and if you want to do something positive, you might

take cognoscente, again, of those suggestions and incorporate those things. Thank you very much.

MS. ANHOUSE: Thank you, Mr. Katz. Next on the list is Madelaine Piel, Piel.

MS. PIEL: Piel.

MS. ANHOUSE: Piel. Sorry. We're going to need to take a short break for the stenographer. So hold on one minute.

(A brief recess was taken from 12:07 p.m. to 12:08 p.m.)

MS. ANHOUSE: The stenographer says she's ready to go.

MS. PIEL: Good afternoon. My name is Madelaine Piel.

AUDIENCE MEMBER: Microphone.

AUDIENCE MEMBER: The microphone is off.

MS. ANHOUSE: Press the button, so --

MS. PIEL: (Complying.)

MS. ANHOUSE: Yes, there you go.

MS. PIEL: Thank you. My name is Madelaine Piel, spelled M-A-D-E-L-A-I-N-E. Middle initial "D.", P-I-E-L. I am formally the vice chair of the New York Genealogical and Biographical Society, founded by several of my ancestors, the Purple brothers, who were very active doctors and genealogists in New York City.

I'm also a former trustee of the NY G and B. I'm a family genealogist. I've researched my own family, who've lived in Manhattan for more than seven generations. I am very active as well in the Democratic Party. I am the president of the Lenox Hill Democratic Club. It was founded in 1956.

My objective is both with genealogy and with Democratic politics, to bring openness and transparency to government and to the people, because we the people are "We the People," and you are as much of the people as we are the people. And we need to have openness and

transparency in all of your actions so that we can go forward in a constructive civilization and world that we live in today, which is a rather difficult assignment.

We need your help. We need you to keep our records open. I, currently, am not able to access my grandmother, who died January 6, 1949. That's an impossibility. Someone in our family had a situation where we needed to change a Time Warner account -- that dates me, because we are now using Spectrum -- and in order to do that, we had to provide a death certificate, in order to change the account, because the account, for more than 35 years, had been in that person's name.

These are the kind of basic issues and problems that need transparency and openness in government. The people that I have also worked with -- I've been elected a judicial delegate a number of times; I helped elect the circuits who

are currently in New York County. I need to help bring transparency to the people, both through my genealogy activities as well as through my Democratic Party activities, which I could be a Republican as well. I'm a recovered Republican, as a matter of fact.

So I hope that you will hear this. RPAC is something I was also involved in, and around the country, I hear the people in Virginia fought very strongly to keep records open. I believe we should have an open society and open records.

Thank you for your time, and thank you for your considerations. I also just have one quick question, when would this go before the City Council, or does it not have to go before the City Council to become law?

MS. ANHOUSE: It's a Board of Health matter. It's not a New York City Council matter.

MS. PIEL: So do you report to the City Council in any way on this issue?

MS. ANHOUSE: I can't engage in that advisory colloquy at this point.

MS. PIEL: Do you report to the Mayor on this issue?

MS. ANHOUSE: Ma'am, this is the point for you to tell us what you think, not for questions.

MS. PIEL: Okay. I'm just asking, because I'm certainly happy to lobby them as well, very actively.

MS. ANHOUSE: Thank you, Ms. Piel.

MS. PIEL: Thank you very much.

MS. ANHOUSE: Thank you, Ms. Piel.

Next up is Jonathan Piel.

MR. PIEL: Good afternoon. My name is Jonathan Piel, J-O-N-A-T-H-A-N, P-I-E-L. The same last name as my wife, obviously. I thank you for giving us this opportunity to address the question that's before us.

As I'm the state committee man from the 76th Assembly District to the

Democratic State Committee, from this position I have seen the strong interest that my fellow citizens have in who they are, where they have come from. I would just like to make two brief points.

The first is that I think your regulation is locking the door of a barn in which there is no horse. The resources available to people who want to steal identities are deep and easily accessible through computer hacking and, indeed, any other kinds of public records.

The second point I'd like to make is that I would ask you to consider very strongly the deep interest that members of the public have in their ancestry and where we have come from, how we have become Americans, how our families have contributed to American society.

And finally, you are dealing with the interest of a growing profession of professional genealogists who help their fellow citizens answer these questions

and who also help their fellow citizens deal with legal questions that involve records of birth and death. So we would ask you very strongly to weigh those two matters as you consider these rules. Thank you very much.

MS. ANHOUSE: Thank you, Mr. Piel. The last person on our list is Michael Gilberg.

MR. GILBERG: I'm sorry. Ran a little late today.

MS. ANHOUSE: No problem. Have a seat, sir.

MR. GILBERG: Michael Gilberg, G-I-L-B-E-R-G. I'm a disability rights attorney, and I've done genealogy of my own family for a number of years. I have nothing prepared, but I can talk off the cuff based on what others have said.

First of all, as somebody who is an attorney, I know about privacy laws, and the idea that anybody could do identity theft with a birth certificate or death

certificate is honestly crap, because you need Social Security or financial info. I've never heard of any genealogy involving bank or financial info.

And quite frankly, Social Security number, nobody really uses it for genealogy, except that the U.S. Social Security Administration makes all their death records public, including Social Security number. So you want to be more restrictive than the Social Security Administration.

States like California have everything public, Texas. So you're proposing a rule that would put New York City as less progressive than Texas. When Texas is a more progressive state than New York City, I mean, I feel like quite honestly you're setting us back a hundred plus years. It's like something the Trump administration would do.

As somebody who has done genealogy for years, I see New York City having one of the most restrictive death laws

in the nation, which is not what you would expect from a City that's a progressive leader. I think that, as I said, this identity theft thing is a red herring. I have seen no speakers who have said that identity theft is a real concern.

Someone else mentioned the New York City Council. I have spoken to Councilman Benjamin Kallos, who is a friend of mine and is big proponent of open records and have made him aware of the issue, because, ultimately, for you to say you don't answer to City Council or the Mayor is just not the case. They can set laws and policies. It sounds, from what others have said, that you're just trying to cover the fact that records have not been released when they were supposed to.

As I said, I can get death info from the Social Security Administration for somebody who died a year ago. That will give me their Social Security number,

but it might not give me their parents' names. Quite frankly, parents' names are more valuable genealogically than a Social Security number. I don't know anybody who does genealogy that cares about Social Security numbers, but yet the Social Security Administration has decided once you die, you lose any right to privacy anyway.

But again, states like Texas, California, everywhere. I mean, it's amazing to me how New York City, as a progressive leader, is one of the least progressive states in this regard. I can't get a birth certificate for my grandmother, who I knew most of my life, who was born in 1911 and died at almost 91, because she's just a year after the cutoff, and that's my grandmother.

I think, like every one else has said, there's no issue with people using birth or death records to steal your identity. If it was that common, I could go online and steal Trump or Obama

or anyone else famous' identity, because all of their information is publicly available on Wikipedia.

In fact, the most famous person I have found related to me is Federal Reserve Chair Jenna Yellin. She is the easiest person to find information on, because her information is all on Wikipedia.

Let me just close by saying -- sorry. I lost my train of thought. The birth and death information, like I said, as an attorney, I'm aware of privacy issues. This is not a privacy issues. This is a fake issue.

MS. ANHOUSE: Thank you. Is there someone else that wanted to speak? I believe there's one other person.

MS. BELL: I did.

MS. ANHOUSE: We have the room for a little bit more, so let's let everybody speak who wants to speak.

MS. BELL: Thank you. I appreciate it.

MS. ANHOUSE: No problem. Have a seat, please.

MS. BELL: Okay. My name is Lorraine Bell, B-E-L-L. I'm a genealogist, a Director at the NY G and B and the Regent of an Interborough Chapter of the Daughters of the American Revolution, which is a lineage society.

The DAR is also an important organization that has helped to preserve historic documents, buildings, and monuments, as well as being major supporters of education through our scholarship programs and actual DAR schools, as well as upholding patriotic endeavors that support our veterans and the current serving military.

The members of our organization provide millions of volunteer hours that support the communities we live in. For example, in the past year, our national society wrote a check to the National Park Foundation for $380,000, made a donation to the New American Museum of

the American Revolution of half a million dollars to honor American patriots, as well as given hundreds of thousands of dollars for historical preservation, education, and to patriotic causes.

We have more than 188,000 members across the country. Almost 7,000 members in New York State, and almost 1,000 members in New York City. Our goal as an organization is to grow to 250,000 members by the year 2026, and we cannot do that if access to vital records is restricted.

I'm here to state that our society relies on direct access to vital records. We need to provide birth, marriage, and death certificates for any prospective member through three generations from the new member, and then on to many generations to an American patriot.

In order for our national society to verify lineage, we help women of all

races, religions, and backgrounds connect to their past, and this is a very meaningful service to our members. For example, this past August at the Battle of Brooklyn, our flag bearer was an ancestor of a slave, and it was incredibly important to her to prove her ancestral genealogy.

It is also the fastest growing hobby in our country. It's only second after gardening. This increased interest in connecting people to genealogy has helped us increase membership and interest in our society.

Our DAR chapter and our organization is opposed to any increased restrictions to access to documents. We believe in increased transparency, not less. We must have access to vital records, otherwise your suggested changes will impede our ability to grow our membership and society.

I'm in agreement with those who have spoken previously, before me. I believe

in access to public records. It will not prevent identity theft. That is a specious reason, and I implore you not to institute the proposed amendments to Article 207 of the Health Code, as it will be impossible for our organization to add new members, as so many of our ancestors have come through New York City. Thank you for your time.

MS. ANHOUSE: Thank you. Is there anybody else who wants to speak?

AUDIENCE MEMBER: (Indicating.)

MS. ANHOUSE: You spoke already, sir.

AUDIENCE MEMBER: Yes, but if you have time --

MS. ANHOUSE: I don't have time, we're very on the cusp. But there is one other woman here. We're very much on the cusp, but I think it's very important for everybody who wants to speak, to speak.

MS. NOVAK: Good morning, afternoon, evening. My name is Michelle Novak, and

I have been a resident of Manhattan for 30 years, a business owner in Manhattan for 20 years. I run a design and branding firm who does non-profit as well as financial services, so I have seen both sides of this argument.

But in addition to that, my first New York City ancestor arrived when this place was called New Amsterdam in 1628. Ever since then, my family has bounced around about a 30-mile radius, and here I am today. This really isn't a story about my ancestors, which would get me on an eight-hour thing. It's about health.

In 1948, my mother was seven years old. The family had a cabin, no power, no running water, up in Greenwood Lake. The family went up to the cabin to winterize the cabin for the winter.

Her father, who was a police captain, was out preparing a dock and ran a nail through his hand. He ended up in a hospital in New Jersey and his

condition worsened. Then he ended up in Mount Sinai on the East Side of Manhattan. While my mother, again, she was seven, went to go play in the playground across the street from the hospital, a playground that's still there, he passed away.

They never had spoke about what he had passed away from. So when I started doing genealogy, I decided to look up his death record. I received it from The City of New York, found that it was a congenital heart defect. It was something that was eye-opening for my family. My mother, as well, who had never known this information, said, "I think he had a sister as well."

So we looked up that record. It turned out, congenital heart defect. From that record, we were able to trace her birth, we actually looked it up. We were doing the index on the death, had to get the birth to confirm it was the right person and to this day, it's an

issue for our family. Because in 1968, I was born in a hospital about 30 miles from where my ancestor landed with a murmur in my heart. And for my entire life, it had been a mystery to me why I had these heart problems, why I had fainting spells and the rest of it.

So these records are not so much -- we've talked a lot about genealogy today, I work a lot with the state archives in New Jersey, I care about records, but I also care about health. Health for me and for my family, and without these records, I wouldn't have known this family history.

It's changed the way I've changed my health and my regime, and I always like to say I spend a ton of money on ordering records, but these records are really priceless for me. Because without them, I would've had no idea of this family history.

The new rules that are on the table today would not have allowed me to get

my grandfather's death record. He died in 1948, I think that's 42 under the current year -- Excuse me. I'm bad at math, being an artist. It would not have allowed me to get his death record nor that of his sibling, who died young. Nor would it have allowed me to have her birth record.

All of those records are incredibly important to me and still resonate today, and that's my remarks. Thank you very much.

MS. ANHOUSE: Ms. Novak, I'm sorry. Could you just spell your last name for the stenographer?

MS. NOVAK: I'm sorry. It's N-O-V-A-K.

MS. ANHOUSE: I just wanted to make sure we had you right. Okay.

Well, there being no further business -- is there one other person that wanted to --

MS. GAIL: (Indicating.)

MS. ANHOUSE: You wanted --

MS. GAIL: Yes.

MS. ANHOUSE: Okay. This is it. The last one. We are at 12:21, according to my iPhone now.

MS. GAIL: Okay. My name is Gillian Gail; G-I-L-L-I-A-N, G-A-I-L. Gail is my last name. I have to clarify that every time.

I am probably one of the youngest ones here. I actually started about ten years ago in genealogy. I'm a family genealogist at this point. Everyone in my family, older than me, younger than me, ask me on whatever they come up with, more recently for health things. Because at one point I worked a couple of blocks away from Chambers Street and went down there pretty much every day during my lunch break, to the point that the security guard saw me and knew me by name.

What really is concerning with this proposal is none of the records I was looking at would've been available under

this new proposal. At this point, I'm at a wall because the records I'm looking for are for possible deaths, that I'm not entirely sure of, which is why there's a wall, occurred in the 50s and 60s, that under this new rule would block, probably for the rest of my life.

I'm in my 20s and this proposal would basically halt everything that I have for 70 years, is what you're proposing, for death records, 125. So anything I don't know right now, you're basically saying I'm never going to know in my lifetime. That's a long time. I'm not that old. There's a lot of people here much older than me and -- yes.

So for my expected lifetime, would be in effect 100 years, I want to be one of the people who lives 100 years. That's my ultimate goal. But what this is doing is restricting it from me, from my friends. I started this as a Girl Scout. The Girl Scouts have a patch for

family history, and one of the things is you have to go back and learn something new, something further. Find where you came from. Find something new, where people lived, where they died, how they are related to you. Go as wide as you can. Go as far as you can.

I was able to do that in Girl Scouts in high school from birth records, from death records, marriage records -- but this is about the birth and death. Those are what we found to find, who actually came here. "Oh, so and so said they came here." But this one was actually born here. They're really here. There's a document from a primary source saying that they're here and this story is true, this story is not.

What ended up, unexpectedly, is I found a lot of medical information that I had no idea was even hiding in these records. I didn't know, like the last lady, a family history of heart problems. My mom had no idea there was

a family history of heart problems. Her father died of a heart attack. Her aunt died of a complication from her heart. Her mother died of something from her heart.

Without these records, we wouldn't know that all of her siblings had cancers or something, had heart problems. There's, on one side -- a huge side, where every single person -- I have, like, ten people that died of the exact same thing unexpectedly at early ages in the 40s.

I'm sure there's more, but I can't get to them because I believe they were around in the 50s, and I don't have access to those right now. As aunts and uncles and great aunts and great uncles, I'm not a direct relative to them, so I can't go and get the primary sources.

With the birth certificates, I was lucky enough that my grandfather still had his real original one, because when he joined World War II, he changed his

year of birth. When it came to burying him, we needed an original birth certificate to find when he was actually born. If you look on my mother's birth certificate, it's one year. Her sister, another year. So going by his kids isn't even a fact. Look at his first marriage, one year. Second marriage, another year. He went back and forth.

Both of them were legally, technically, his birth certificate, but making this -- if we had to go through New York City, we would've had a problem, and we would've been one of the many families with the probates just stuck in limbo, because you need a year of birth.

So I'm completely against this proposal. I've been a member of the German Genealogy Group. I found that from going through the records and looking it up, they made the indexes that the records are used. So I became a member of that. I've been working on

the indexes for that. So I would like to keep working on that. My friends have asked me to help them with them, but I can't because they're in that limbo of in between. It's not old enough to go into the records, but they're not directly related close enough to be able to get the records themselves. Thank you.

MS. ANHOUSE: Thank you, Ms. Gail. It is 12:26 and everyone who has wanted to testify has testified. We are adjourning this hearing. The hearing is over. Thank you very much.

(Whereupon, Exhibit 1, Mr. Ferretti's Chart, was marked for identification, as of this date, by the reporter.)

(TIME NOTED: 12:27 p.m.)

C E R T I F I C A T E

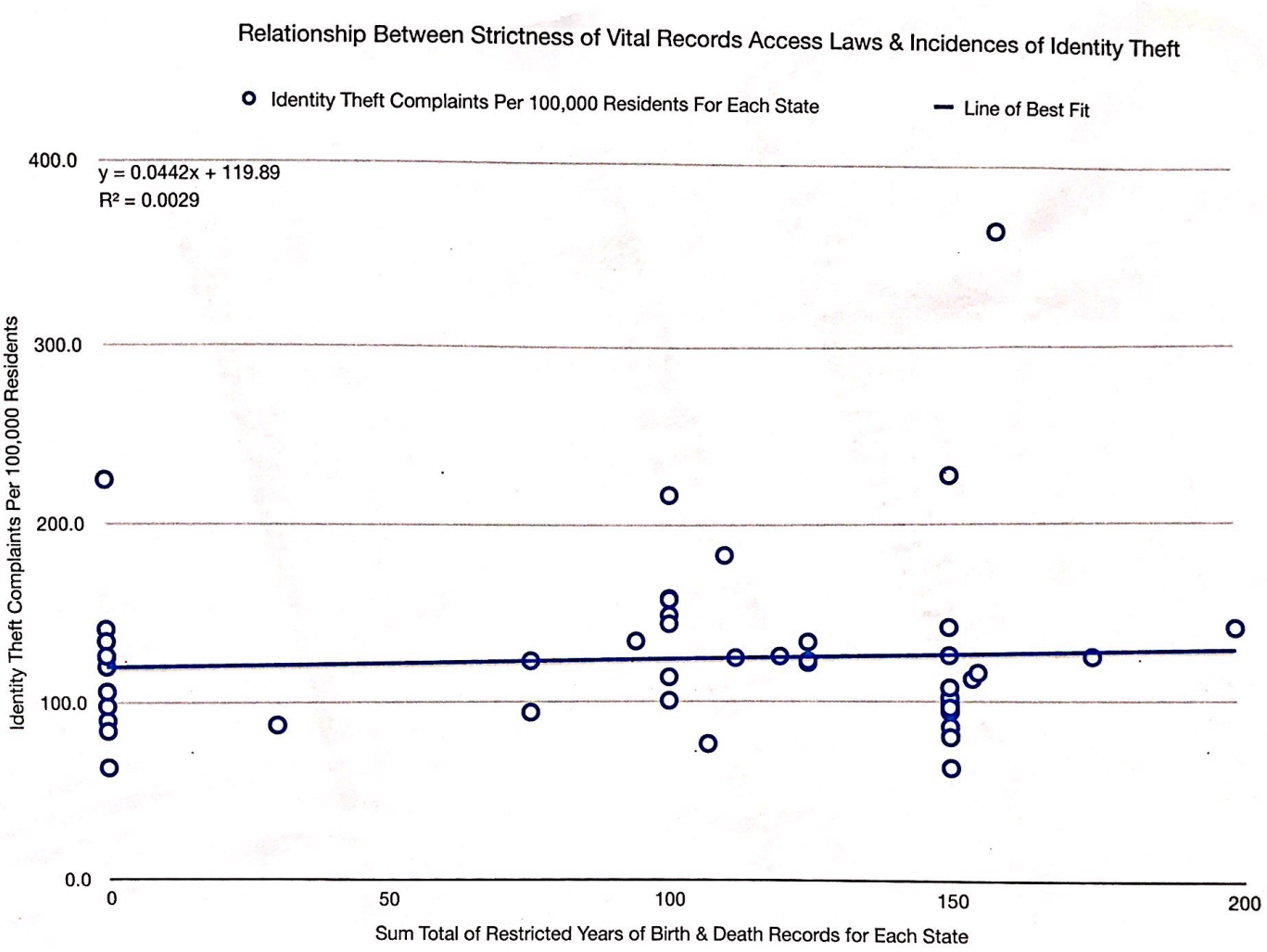
STATE OF NEW YORK)
ss:
COUNTY OF NEW YORK)

I, Danielle Rivera, a shorthand reporter within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the statement taken on October 24, 2017.

I further certify that I am not related to any of the parties to this action by blood or by marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of October 2017.

Exhibit 1



EXHIBIT
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10.24.17

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